



5500/MTSA  
September 30, 2003

Dear Sir/Madam:

This letter addresses a number of inquiries we have received regarding requirements under the Maritime Transportation Security Act (MTSA) for submission and approval of foreign Vessel Security Plans. These requirements apply to foreign vessels entering the United States that are subject to the International Convention for Safety of Life at Sea 1974, and its Protocol of 1988 (SOLAS) and the International Ship and Port Facility Security (ISPS) Code.

In accordance with MTSA regulations in 33 CFR Subpart H, owners or operators of foreign vessels subject to SOLAS and ISPS **are not required to submit Vessel Security Plans to the U.S. Coast Guard for approval.** Furthermore, owners or operators of these vessels **do not** have to prepare or submit for approval a U.S. Annex to the Vessel Security Plan. These vessels must have security plans approved and verified by their Flag Administration or a Recognized Security Organization (RSO) on behalf of the Flag Administration, and must carry on board a valid International Ship Security Certificate (ISSC) issued in accordance with section 19 of Part A of the ISPS Code. This includes ensuring the vessel meets the requirements of SOLAS Chapter XI-2 and the ISPS Code, Part A, having taken into account the relevant provisions of Part B.

The Coast Guard, during port state control examinations, will verify that foreign flagged vessels subject to SOLAS and the ISPS Code have implemented an approved VSP, having taken into account the relevant provisions in the ISPS Code, Part B. Port State Control security measures will include tracking the performance of all owners, operators, flag administrations, RSOs, charterers, and port facilities. A vessel's or port facility's history of compliance, or lack thereof, or security incidents involving a vessel or port facility, will be important factors in determining what control measures will be taken by Coast Guard Port State Control Officers to ensure that maritime security is preserved. Noncompliance will subject a vessel to a range of control and compliance measures, which could include denial of entry into port or significant delays.

Sincerely,

T. H. GILMOUR  
Rear Admiral, U. S. Coast Guard  
Assistant Commandant for Marine Safety,  
Security and Environmental Protection